

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Catholic Benefits Association, on behalf of )  
its members, et al., )

Plaintiffs, )

vs. )

Xavier Becerra, Secretary of the United )  
States Department of Health and Human )  
Services, et al., )

Defendants. )

Case No. 3:23-cv-203

**ORDER**

This case challenges rulemaking by the Department of Health and Human Services (HHS) regarding provision of medical care for gender transition services. Three substantive motions are currently pending: plaintiffs’ motions for a temporary restraining order and for a preliminary injunction and defendants’ motion to stay the proceedings.

Defendants also move for an extension of time to answer the complaint, (Doc.27), and plaintiffs oppose that motion, (Doc. 30). Defendants ask that the deadline to answer or otherwise respond to the complaint be extended from February 12, 2024, to either thirty days after a decision on the motions for injunctive relief or, if the case is stayed, until thirty days after a stay is lifted.

In support of their request for an extension, defendants argue HHS has promulgated a Notice of Proposed Rulemaking, proposing a rule that would supersede the rule plaintiffs are challenging. Defendants contend it would be inefficient, and likely would not “materially advance the litigation,” if they were required to answer the complaint at this time. (Doc. 27, p. 2).

In opposing the requested extension, plaintiffs refer to this case being part of an “eight-year dispute” since this case presents questions like those presented in a related case, Religious Sisters of Mercy v. Becerra, 3:16-cv-386 (D.N.D.), where the litigation was stayed multiple times. (Doc. 30, p. 3 n.1). Further, plaintiffs argue defendants have not shown an inability to respond to the complaint at this time and an answer would define issues in dispute between the parties.

The court will grant defendants’ motion, in part, and will extend the deadline to answer or otherwise respond to the complaint until the court issues a decision on the motion to stay proceedings. If the motion to stay is denied, defendants will have ten days to answer or otherwise respond to the complaint.

**IT IS SO ORDERED.**

Dated this 9th day of February, 2024.

/s/ Alice R. Senechal  
Alice R. Senechal  
United States Magistrate Judge